

REMARKS

The last Office Action has been carefully considered.

Claims 3 and 9 are rejected under 35 U.S.C. § 112 ¶ 2 due to being vague and indefinite.

Claims 1-6 and 8-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Treace (U.S. Pat. No. 2,557,364)

Claims 1-6 and 8-10 are currently under prosecution in the present application, with Claim 1 being the sole independent claim, and Claims 7, 11 and 12 being withdrawn.

The specification is amended for compliance with US PTO rules. Claims 1, 3, 5-6 and 9 are amended. No new subject matter is presented.

Regarding the rejection of claims 3 and 9 under 35 U.S.C. § 112 ¶ 2, the above amendments are believed to overcome the rejection.

Regarding the rejection of claim 1 under 35 U.S.C. § 102(b), the Examiner states that Treace anticipates each and every limitation of the claim. Treace discloses a tool unit for a handheld power tool 1 having an oscillating output unit 23 (Fig. 1), comprising a fastening means 17 for attachment to the output unit 23 (Fig. 1); a working edge 24 having a first end and a second end opposite the first end (Fig. 2); and a first lateral boundary line (Fig. 2), wherein the working edge 24 transitions at the first end into the first lateral boundary line and forms with the first lateral boundary line at the first end a cutting angle of less than or equal to 95° (Fig. 2), wherein the working edge 24 is arc-shaped (Fig. 2), and wherein the working edge extends with respect to a center of the fastening means 17 over an angle being between 30° and 270° (Fig. 2). Treace explicitly shows the working edge 24 having each of both lateral boundary lines as a curve (Fig. 2, 5,

and 6), or as a straight segment extending away from the center of the fastening means 17 (Figs. 6 and 7). Treace discloses nowhere a lateral boundary line extending in a radial direction with respect to the center of the fastening means 17. By contrast, in the present application, the first lateral boundary line 12 extends in a first radial direction with respect to the center of the fastening means 3 (Fig. 2; specification at page 3 lines 25-28, page 4 lines 4-6, and page 6 lines 3-6). Treace fails to disclose at least the limitation of *the first lateral boundary line extends in a first radial direction with respect to the center* cited in amended claim 1.

Clearly, amended claim 1 structurally differs from Treace.

In view of the preceding amendments and remarks, it is respectfully submitted that all of the pending claims, namely, claims 1-6 and 8-10, are in condition for allowance.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



Michael J. Striker
Attorney for Applicant
Reg. No. 27233